

### **REMARKS**

In the Office Action dated September 26, 2007, the Examiner objected to informalities in the specification; objected to informalities in claims 1, 15, and 17; objected to insufficient antecedent basis in claim 10; objected to lack of clarity in claim 11; objected to insufficient antecedent basis in claim 15; and rejected claims 1-12 and 14-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2003/0030636 to Yamaoka ("Yamaoka").

#### **I. Specification Objection**

Applicants have amended pg. 31, line 5 to read "horizontal frame 220."  
Applicants thus request withdrawal of the objection to informalities in the specification.

#### **II. Claim Objections**

In view of the amendments Applicants have made to the claims, Applicants request withdrawal of the objection to informalities and insufficient antecedent basis in the claims.

#### **III. Claim Rejections Under 35 U.S.C. § 102(b)**

Applicants respectfully traverse the Examiner's rejection of claims 1-12 and 14-17 under 35 U.S.C. § 102(b). In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, "either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." *See* MPEP § 2131, 8th Ed. (Rev. 6), September, 2007.

Yamaoka cannot anticipate claims 1-12 and 14-17, because the reference fails to disclose each and every element recited in the claims. For example, Yamaoka fails to disclose a combination including "a piston fitted with the cylinder and fixed with the camera part at one end thereof," as recited in amended claims 1, 11, 16 and 17.

Instead Yamaoka teaches "...a 3D image photographing means to an image photographing site; causing the image photographic site to acquire image data by photographing an object using the provided 3D image photographing means and transmit the image data to a 3D image data production site; and causing the 3D image data production site to produce 3D image data on the basis of the received image data and publish the 3D image data on the computer network..." (Pages 13-14, Claim 1). Yamaoka does not disclose or suggest "a piston fitted with the cylinder and fixed with the camera part at one end thereof," as recited in the amended claims.

Because Yamaoka fails to disclose each and every element recited in amended claims 1, 11, 16, and 17, Yamaoka cannot anticipate these claims. Accordingly, claims 1, 11, 16, and 17 are allowable over Yamaoka, and claims 2-10, and 12-15 are allowable at least due to their dependence from one of claims 1, 11, 16, and 17. Applicants' therefore respectfully request that the Examiner withdraw the rejection of claims 1-12 and 14-17 under 35 U.S.C. § 102(b).

**IV. Allowable Subject Matter**

The Examiner has indicated that claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


**V. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

A handwritten signature in black ink, appearing to read 'Walt D D - A', is written over a horizontal line.

Dated: December 26, 2007

By: \_\_\_\_\_  
Walter D. Davis, Jr.  
Reg. No. 45,137